

413

Notice of Allowability	Application No.	Applicant(s)	
	10/604,750	UNTERMEYER ET AL.	
	Examiner	Art Unit	
	Yvonne R. Abbott	3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- 1. ☒ This communication is responsive to application filed 8/14/03 and interview of 7/20/04.
- 2. ☒ The allowed claim(s) is/are 1-55.
- 3. ☒ The drawings filed on 14 August 2003 are accepted by the Examiner.
- 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 - 1. ☐ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

- 5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
- 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

- 7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>7/20/04</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>6/14/04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Yvonne R. Abbott
 Primary Examiner
 Art Unit: 3644

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Douglas D. Russell on July 20, 2004.

The application has been amended as follows:

a) claim 35 has been replaced with the following:

--35. A method for producing adult aquatic specie in an aquaculture system, comprising:

growing algae in saltwater;

feeding the algae to adult artemia in saltwater;

producing small artemia by the adult artemia in saltwater;

feeding the algae and the small artemia to an immature aquatic specie in saltwater to produce adolescent aquatic specie in an aquatic specie nursery subsystem;

passing the adolescent aquatic specie to an aquatic specie growout subsystem;

feeding the algae and the small artemia to the adolescent aquatic specie in saltwater to produce adult aquatic specie in the aquatic specie growout subsystem; and

harvesting the adult aquatic specie from the saltwater when mature.— ;

b) in claim 37, **--adult—** has been inserted before "artemia";

c) in claim 38, lines 1-2, the phrase "producing artemia by artemia" has been replaced with —

producing small artemia by the adult artemia--;

Art Unit: 3644

d) in claim 39, lines 1-3, the preamble phrase "wherein the step of feeding the algae and the artemia to an immature aquatic specie in saltwater to produce adult aquatic specie comprises:" has been replaced with – **wherein the steps of feeding the algae and the small artemia to an immature aquatic specie and the adolescent aquatic specie in saltwater to produce adult aquatic specie comprises:--** AND

e) in the specification, page 1, paragraph [0001], line 3, after "February 15, 2002" the phrase – **which is now U.S. Patent No. 6,615,767** – has been inserted.

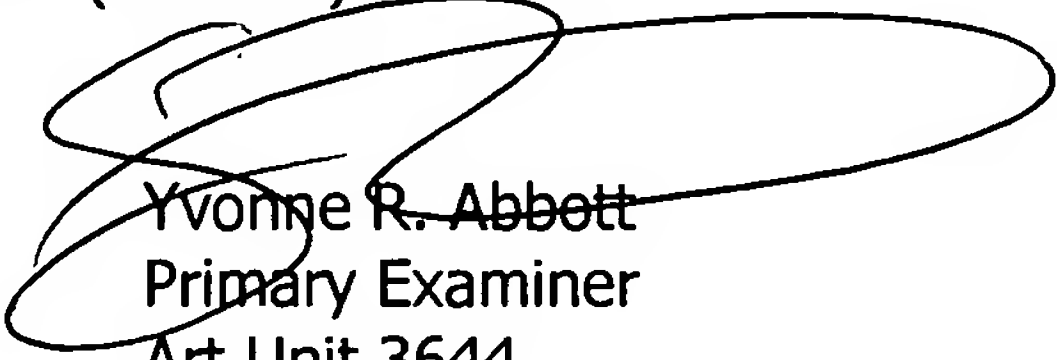
The following is an examiner's statement of **reasons for allowance**: the claims in this application have been allowed because the prior art, alone or in combination, does not disclose a method for producing adult aquatic specie in an aquaculture system comprising: growing algae within an algae subsystem containing saltwater illuminated by a light source, flowing the algae from the algae subsystem into an artemia subsystem containing adult artemia, an aquatic specie nursery subsystem and an aquatic specie growout subsystem, all containing saltwater, consuming the algae by the adult artemia and producing small artemia by the adult artemia within the artemia subsystem, passing the small artemia from the artemia subsystem to the aquatic specie nursery subsystem and the aquatic specie growout subsystem, consuming the algae and the small artemia by immature aquatic specie contained within the aquatic specie nursery subsystem for producing adolescent aquatic specie, the adolescent aquatic specie being passed to the aquatic specie growout subsystem, consuming the algae and the small artemia by the adolescent aquatic specie contained within the aquatic specie growout subsystem for producing adult aquatic specie, and harvesting the adult aquatic specie.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne R. Abbott whose telephone number is (703)308-2866. The examiner can normally be reached on 7:30-6:00 flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone can be reached on (703)306-4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yvonne R. Abbott
Primary Examiner
Art Unit 3644